

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANELL L. PRATT,

Plaintiff,

v.

B. GOWER, Warden,

Defendant.

Case No. 13-cv-01225-YGR

**ORDER REQUIRING SUPPLEMENTAL
BRIEFING**

Re: Dkt. No. 1

Regarding Danell Pratt's Petition for Writ of Habeas Corpus (Dkt. No. 1), the parties shall file supplemental briefs of no more than eight (8) pages each by **June 5, 2015**, addressing the following issue:

In his petition for writ of habeas corpus in the Superior Court of California, the Petitioner raised four grounds for the relief sought: (1) ineffective assistance of counsel ("IAC") in connection with his counsel's opening statement; (2) IAC for failure to impeach prosecution witnesses; (3) IAC for failure to present third-party culpability evidence; and (4) complete denial of counsel. (Dkt. No. 24-2, Ex. I.) The Petitioner listed Grounds 1 and 2 within the appropriate boxes of the MC-275 petition for writ of habeas corpus state form. (*Id.*) The additional Grounds 3 and 4 were listed separately in an attachment to the form. (*Id.*) The state court's order denying the petition specifically references the first two grounds, included on the form, but makes no mention of the last two, included on the attachment. (Dkt. No. 24-2, Ex. J.) In light of these unusual circumstances, suggesting the state court may have overlooked the grounds listed on the attachment to the petition form, the supplemental briefing shall address whether or not the Court should apply a de novo standard of review as to those unmentioned grounds. *See, e.g., Johnson v. Williams*, 133 S. Ct. 1088, 1091 (2013).

IT IS SO ORDERED.

Dated: May 20, 2015


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE